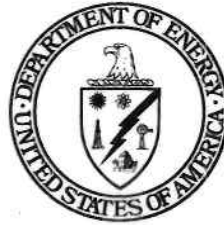




Colorado Department  
of Public Health  
and Environment



---

March 7, 2007

Dear Commenter,

Thank you for providing your comments on the Rocky Flats Legacy Management Agreement (RFLMA). The three parties to the agreement, the U.S. Department of Energy, the U.S. Environmental Protection Agency, and the state of Colorado (Colorado Department of Public Health and Environment) appreciate your continued interest in the Rocky Flats Site.

A total of five sets of written comments were received on RFLMA. Comments were received from the City and County of Broomfield, the City of Westminster, the City of Northglenn, the Rocky Flats Stewardship Council and Richard DiSalvo, a former Rocky Flats employee. We have grouped similar comments and provide responses thereto.

Comment #1: Commenters had concerns with Part 10 of the agreement regarding public comment on "significant" changes to RFLMA.

Response #1: The parties intend that minor or typographical changes would not require public comment. No change made.

Comment #2: Commenters requested that community technical staff be added to the list of emergency response contacts in the Legacy Management Public Involvement Plan (LMPIP).

Response #2: As noted in the LMPIP, following notification of local emergency responders in the event of an emergency on site, federal, state and local officials, as well as members of the public, will be informed in a timely manner.

Comment #3: Commenters requested identification of Attachment 3.

Response #3: Attachment 3 has become Appendix 3. Conforming changes were made to paragraph 31 and the reference to Attachment 3 in paragraph 66 has been removed.

Comment #4: Commenters voiced a concern that RFLMA is a change from RFCA regarding the consultative process and dealings with the public.

Response #4: The parties intend that the process will remain the same. The parties agree that the collaborative relationship between federal and state agencies, local governments and the public were important to the successful cleanup of Rocky Flats and believe that RFLMA supports continued collaboration and meets all regulatory notification and public involvement requirements. All three agencies believe that the consultative process and public access to the contact records generated during the consultative process will provide ample opportunity for the public to stay informed of conditions at the Rocky Flats Site. In addition to regular public meetings hosted by the Rocky Flats Stewardship Council, all three agencies remain committed to open communication with the public. No change made.

Comment #5: Commenters questioned the security of the POC at Woman Creek.

Response #5: Pursuant to the ROD, DOE is required to maintain and repair all monitoring locations. No change made.

Comment #6: Commenters requested annual pond sampling.

Response #6: The parties continue to believe that upstream monitoring of the terminal ponds, in conjunction with the pre-discharge sampling required under RFLMA, will provide sufficient information to maintain the continued protection of human health and the environment. No change made.

Comment #7: Commenters requested that monitoring for plutonium at SW018 be included.

Response #7: This specific monitoring scope is not identified as required by the remedy. However, this monitoring is implemented as detailed in the Rocky Flats Site Operations Guide (RFSOG). No change made.

Comment #8: Commenters requested that the SPPTS monitoring station be added to table 2.

Response #8: The SPPTS Discharge Gallery will continue to be monitored for nitrate and uranium in accordance with the Rocky Flats Site Operations Guide (RFSOG). The treatment system itself is monitored elsewhere, as is its effect on surface water quality. No change made.

Comment #9: Commenters requested that GS 51 be added to table 2.

Response #9: This specific monitoring scope is not identified as required by the remedy. However, this monitoring is implemented as detailed in the Rocky Flats Site Operations Guide (RFSOG). No change made.

Comment #10: Commenters requested a plan to replace SW056.

Response # 10: The parties have agreed to wait until subsidence stabilizes to assess and address specific measures. No change made.

Comment #11: Commenters would like to be notified of elevated levels of VOCs, uranium, or nitrates at boundary wells.

Response #11: Groundwater is not in use, and the parties have agreed that quarterly data reports and meetings are sufficient. No change made.

Comment #12: Commenters would like to clarify the location of the Administrative Record and what is happening with the reading room.

Response #12: The physical AR will continue to be located at the Denver Federal Center. Public access is available through the digitized CERCLA AR search engine located on the Legacy Management Rocky Flats webpage at [http://www.lm.doe.gov/land/sites/co/rocky\\_flats/rocky.htm](http://www.lm.doe.gov/land/sites/co/rocky_flats/rocky.htm). Recent improvements have been made to the search page to enhance public use.

The future of the Rocky Flats Reading Room at the Front Range Community College Library will be determined with public input during the current CERCLA Five-Year Review. No change made.

Comment #13: Commenters requested to be involved with changes in the LMPIP.

Response #13: The LMPIP will be updated as needed and the public will be provided access via the LM website prior to finalization. No change made.

Comment #14: Commenters would like to be notified when personnel changes are made.

Response #14: Contact information for the agencies is available in the LMPIP, which is an appendix to RFLMA and is updated as needed. In addition, any changes may be noted at regularly scheduled meetings. No change made.

Comment #15: Commenters requested that fence maintenance be added as a requirement of RFLMA.

Response #15: The fence is not part of the remedy and thus not a requirement in the ROD. However, DOE has agreed to maintain the fence surrounding the Central OU. No change made.

Comment #16: Commenters requested a provision to ensure early input into the ground water decision making process.

Response #16: DOE will provide data via the quarterly reports and will discuss the data at the quarterly meetings. No change made.

Comment #17: Commenters requested to be notified of violations of institutional controls.

Response #17: DOE will notify all parties via a public contact record. The LMPIP includes provisions for notifying the public of contact records, including those regarding violations of ICs. RFLMA Attachment 2 provides for periodic reporting, posted on the LM website, that includes reports of any IC violations. No change made.

Comment # 18: A commenter noted that the draft RFLMA was lacking clear language on the process that would be followed in the event that a post-closure Resource Conservation and Recovery Act (RCRA) permit is required.

Response #18: The final RFLMA has been revised to address this concern (see paragraph 70).

Again, we thank you for your comments on RFLMA.

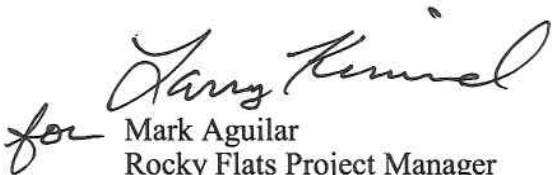
Sincerely,



Carl Spreng  
Rocky Flats Hazardous Waste Program Manager  
Colorado Department of Public Health and Environment



Scott R. Surovchak  
Rocky Flats Site Manager  
U.S. Department of Energy Office of Legacy Management



for Mark Aguilar  
Rocky Flats Project Manager  
U.S. Environmental Protection Agency, Region 8